

S-005 Force Structure inadequate for MP

▪(U) RECOMMENDATION/OBSERVATION

- Military Police personnel should be resident in both the Active and Reserve components
- Army is in need of force structure improvements
- Forces have not been addressed adequately in reports reviewed by the Panel
- Recommend that the Secretaries of the Navy and Air Force undertake force structure reviews to improve detention ops performance

(b)(1),(b)(5)

(b)(1),(b)(5)

2005

USN/USA/USCGJTF GTMO

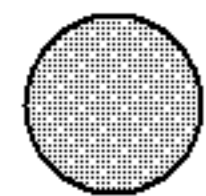
I/R RC increase 78-2000 2008
I/R AC increase 826-1100

S-006 Interrogation Policy

(U) RECOMMENDATION/OBSERVATION

- Well-documented policy and procedures on approved interrogation techniques

(U) CURRENT ASSESSMENT:



- DoD issued 3115 Nov 4, 2005.
- Working on FM on human intelligence collection (revision on 34-52).
- Final coordination stage between Army/OGC
- Recommend green when FM is issued by Army.

OPR: USD (I)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue DOD Interrogation Policy

Action: USD(I) designated their Policy and Strategy office to develop and coordinate DoD Interrogation Policy

Change: USD(I) policy will serve as policy guidance for interrogation – recommendation satisfied in developing “well documented” policy.

S-007 Professional Ethics Training

(U) RECOMMENDATION/OBSERVATION:

- All personnel who may be engaged in detention operations, from point of capture to final disposition, should participate in a professional ethics program to equip them with a sharp moral compass for guidance in situations often rife with conflicting moral obligations.
- Development of a values-oriented ethics program should be the responsibility of the Services assisted by the JCS.

(U) CURRENT ASSESSMENT:

- 7 Sep 05 SECDEF Memo to Service Chiefs: "...stress to all members of the Department the importance of placing ethics at the forefront of our vision & values. Ethical conduct and integrity must be modeled by the Department's leadership"
- All services have established PME courses on Professional Military Ethics targeting Officer and senior NCOs.
- Junior enlisted personnel are trained to abide by Service core values and the Laws of War
- Recommend close (green)

(U) FIX/ACTION/CHANGE:

Fix: Provide ethics training to all military personnel.

Action: Review Service core training programs to ensure ethics are included.

Change: Policy/Training/Leaders.

**OPR: Joint Staff J-7
OCR: Services, JFCOM**

Unclassified FIED

JS GHOST DOCS 873

S-008 DOD/OGA Guidelines

(U) RECOMMENDATION/OBSERVATION

- Clearer guidelines for the interaction of OGA's with the Department of Defense in detention and interrogation operations must be defined

(U) CURRENT ASSESSMENT:

- • DoDD 3115 issued November 4, 2005.
- Recommend Green.

OPR: USD (I)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue DOD Interrogation Policy

Action: USD(I) will promulgate policy that defines relationships between OGA's and DOD agents.

Change: Ambiguity resolved.

S-012 Impartial Rapid Reporting to the Sec Def

(U) RECOMMENDATION/OBSERVATION

- The Secretary of Defense should ensure the effective functioning of rapid reporting channels for communicating bad news to senior Department of Defense leadership

(U) CURRENT ASSESSMENT:

- Proposal to fast-track information to the Secretary was approved 13 Dec 04.
- ODA continues to funnel information to policymakers as required/needed.
- In addition – detainee affairs provides metric to key officials monthly.
- Routine briefings by ODA/DASD as required/appropriate.
- Recommend closure.

OPR: USD (P&R)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Joint adaptation of procedures such as the Air Force special notification process.

Action: Office to fast-track has been “stood up” – headed by Richard McGraw; still working space and employment/resource issues, but, office is functioning.

Change: No change from last meeting

S-013 Medical Personnel Training to Report/Assess

(U) RECOMMENDATION/OBSERVATION:

- Fay investigation cited medical personnel for failure to report detainee abuse.
- Training should include obligation to report any detainee abuse.
- Panel notes Army IG found shortfalls in training and force structure for field sanitation, preventive medicine and medical treatment for detainees.
- Address need for medical personnel to screen/monitor the health of detention personnel and detainees.

(U) CURRENT ASSESSMENT:

- on 3 Jun 05, ASD for medical affairs issued principles & procedures for protection & treatment of detainees to medical personnel
- Services already incorporated detainee operations into medical training programs
- Quality and professionalism of medical personnel dealing with detainees noted by ASD "Their professionalism, if you could only see it, would make all Americans proud."
- Recommend close (green)

(U) FIX/ACTION/CHANGE:

Fix: Incorporate detainee operation requirements into medical training programs

Action: Review Service medical training programs relating to detainee operation

Change: Policy/Training/Leaders

**OPR: Joint Staff J-7
OCR: Services, JFCOM**

S-014 Additional Training of Medical Personnel

(U) RECOMMENDATION/OBSERVATION

- Need training for medical personnel on reporting abuse. Medical personnel need to be trained with better field treatment techniques

(U) CURRENT ASSESSMENT:

- DoDI on Medical issues has been through final coordination. Draft being prepared for issuance by the DSD/SECDEF.
- DoDI sets forth the appropriate reporting procedures and training requirements.
- Recommend Green upon signing.

OPR: USD (HA)
OCR: USD (P)

(x) FIX/ACTION/CHANGE:

Fix: Provide structured training to Medical Personnel on Detainees matters

Action: USD(P) working with ASD(HA) in development of medical training policy.

Change: Detainees are given excellent medical care and doctors have clear methods for carrying out their obligations.



BG Jacoby Report

J-006 / TSP & Doctrine Revisions

(x) RECOMMENDATION/OBSERVATION

- Particularly for units new to theater, cordon and search operations can have a tendency to replace the careful, deliberate development of intelligence. This is the result of a lack of experience and appropriate intelligence gathering assets at the small unit level. Large, unspecific cordon and search operations more often than not result in a large number of local nationals being temporarily displaced from their homes, but a relatively small number of individuals actually being detained. The general lack of pre-operation intelligence also leads to more persons being detained than is necessary, as some units play it safe and detain an individual rather than release an individual who might be hostile. This can clearly have a negative effect on the local populace. Whenever possible, participation and support of Afghan military or police forces and government officials should be sought. Additional detention training, to include profiling training, is required to maximize the effectiveness of cordon and search operations

- HQDA DODOIP Task: D3, T13, T14

(x) CURRENT ASSESSMENT:

OPR: Army
OCR: J7/CENTCOM

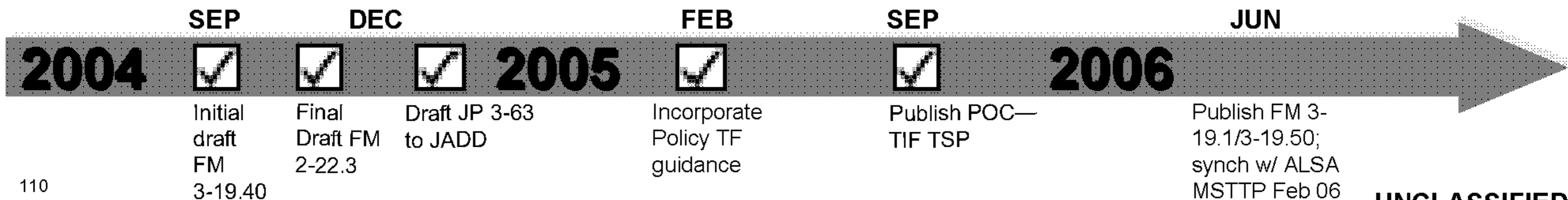
(x) FIX/ACTION/CHANGE:

Fix: Improve doctrinal techniques, intelligence analysis and detainee profiling ISO C/S's

Action: Analyze Lessons Learned (TTPs) & update doctrine for Intel support to C/S operations—specifically intelligence analysis, profiling, and HN coordination. Incorporate doctrine thru specific training requirements

Change:

- Incorporate w/in doctrine
- Improve TSP's to enhance TTPs and Soldier/leader knowledge



J-007 / Exportable TNG

(U) RECOMMENDATION/OBSERVATION

- Troops in contact (TIC) is an event of high stress and emotion that may result in the detention of individuals. If a TIC results in detention, an opportunity for abuse arises as a result of the stress and emotion. There is a need for additional individual and collective pre-mobilization training that emphasizes doctrine, the 5 S's (search, silence, segregate, safeguard and speed to the rear), and cultural sensitivity. This will allow those who come into initial contact with detainees to respond in accordance with their training vice emotion and stress. Leadership and supervision, in addition to training, are the keys to success in detainee handling at the point of capture
- HQDA DODOIP Task: T5/5.1/T5.3

(U) CURRENT ASSESSMENT: ●

OPR: Army

OCR: J7

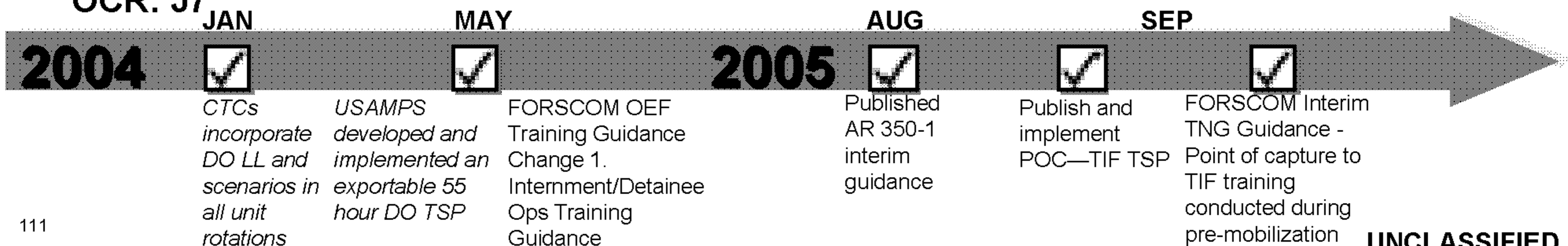
(U) FIX/ACTION/CHANGE:

Fix: Pre and Post Mobilization training using standard DO doctrine

Action: Integrate a standardized detainee operations training package as part of pre-and post mobilization training for all soldiers

Change:

- Publish POC—TIF TSP
- Publish DO TNG Guidance





*Issue Title (Interrogation Training):
J-008 JACOBY REPORT Section VI, Item h, pg 15*

(U) RECOMMENDATION / OBSERVATION:

Improved interrogation training leading to the certification of all interrogators will improve intelligence gathering and dissemination of actionable intelligence as well as improve the detainee screening process. Interrogators need training on Afghan culture, traditions and history to be able to get the most intelligence from detainees. Additionally, combat commanders at all levels need training on interrogation and detainee chain of custody to ensure that unit actions do not interfere with or negatively affect the interrogation of detainees. Recommend that each commander's right seat ride include case studies on the interrogation process and how the capturing unit can best facilitate and positively impact the process.

~~(S)~~ **CURRENT ASSESSMENT:**

(b)(1),(b)(5)

OPR: CENTCOM (USD(I))
OCR: DA

~~(S)~~ **FIX / ACTION / CHANGE:**

(b)(1),(b)(5)

“J-011 Insufficient Communication capabilities”

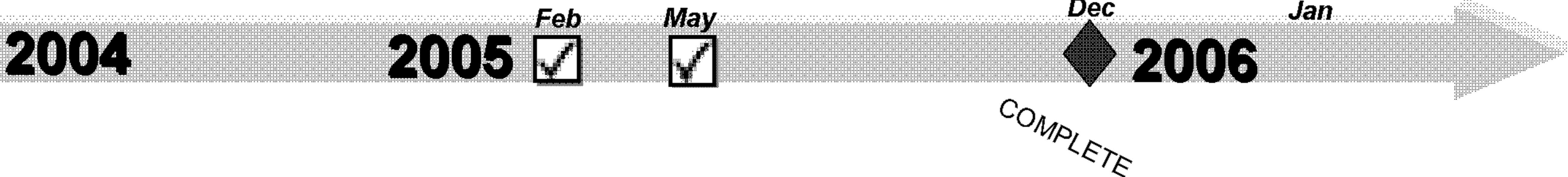
(U) RECOMMENDATION

- Communication capabilities must be improved. Secure network capabilities at each site are critical for the timely transfer of information. Existing communication capabilities do not support the secure electronic transfer of documents or successful dissemination of large amounts of data. This hinders the forwarding of timely, actionable intelligence either forward or to the rear. Real time data transfer will improve the SECDEF criteria analysis conducted at points of capture, thus ensuring only individuals who are likely to meet the criteria are further processed.

(U) CURRENT ASSESSMENT:

● All detention sites have NIPR, SIPR, SVOIP, and DSN connectivity. Recommend closure.

OPR: CENTCOM
OCR:



FIX/ACTION/CHANGE:

Fix: (U) Improve secure communications capabilities at detention sites.

Action: (U) All detention sites currently have connection via NIPR, SIPR, DSN, and SVOIP.

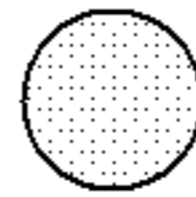
Change: (U) Updated secure communications in place at all detention sites.

J-012 / Internment Facility Physical Security Standards

(U) RECOMMENDATION/OBSERVATION

- In addition to the integration of CCTV at the Bagram and Kandahar detention facilities, anti-intrusion devices or a security alarm system would significantly enhance the security posture of existing facilities. Centrally controlled door locks would also greatly enhance the security of the facility

• HQDA DODOIP Task: F1/F1.1/Z2



(U) CURRENT ASSESSMENT:

OPR: Army

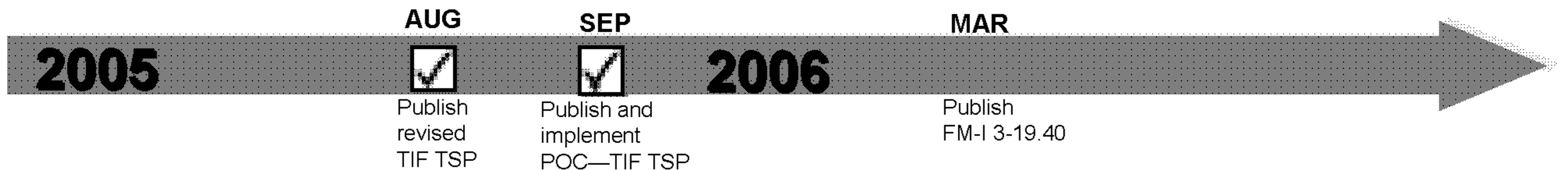
OCR: None

(U) FIX/ACTION/CHANGE:

Fix: Facility physical security standards for internment facilities

Action: Develop doctrine to incorporate minimum physical security standards as part of facility design

Change: Publish FM-I 3-19.40



J-018 / Detention Facility Minimum Standards

(U) RECOMMENDATION/OBSERVATION

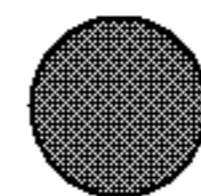
• The Kandahar detention facility is an outdoor holding area in need of repairs to accommodate its maximum number of detainees. These improvements are already being made and the facility will soon be able to operate at maximum capacity. Additionally, a 78 – person indoor holding area is under construction with a projected completion date of August 04. After a thorough assessment of maximum capacity thresholds; CJTF-7 committed to building another indoor holding facility next to the new indoor 78- person facility. Projected completion date is 1 Sep 2004. Total detention capability after construction will be 178 detainees

• HQDA DODOIP Task: F1.1

(U) CURRENT ASSESSMENT:

OPR: Army

OCR:



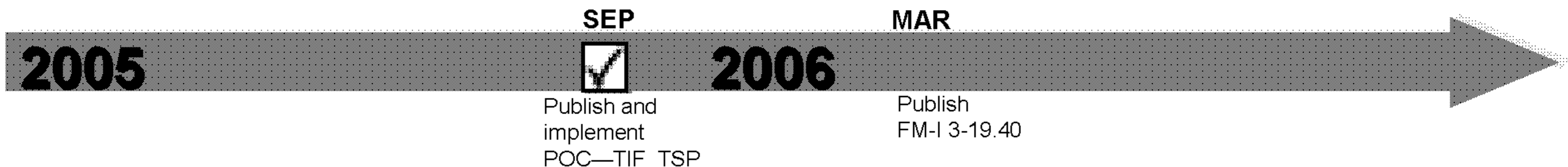
(U) FIX/ACTION/CHANGE:

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:

- On-site inspections/assessments
- Publish FM-I 3-19.40



J-021 / Detention Facility Minimum Standards**(U) RECOMMENDATION/OBSERVATION**

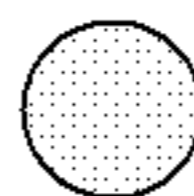
- As the theater matures, we have an opportunity to create corresponding improvements in our detention facilities and to better provide for the well being of detainees consistent with the principles of Geneva Conventions. Particularly for Low Level Enemy Combatants (LLECs), many of whom have already been detained in the Bagram Collection Point for extensive periods and who have little chance for release in the foreseeable future. Alternative arrangements are worth evaluating. This may be a significant challenge in the short-term given significant detainee population increases. Future construction efforts at Bagram may provide an area separate from other detainee where more space to exercise, take instruction, and even work might be made available. This will better meet the spirit of Geneva without hindering the intelligence gathering function

- HQDA DODOIP Task: F1.1

(U) CURRENT ASSESSMENT:

OPR: Army

OCR:

**(U) FIX/ACTION/CHANGE:**

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:

- On-site inspections/assessments
- Publish FM-I 3-19.40

SEP



Publish and
implement
POC—TIF TSP

MAR

Publish
FM-I 3-19.40

2005**2006**



BG Formica Report

“FA-004 Interrogation Methods and Procedures”

(U) RECOMMENDATION

- CJSOTF-AP should publish policy guidance that clarifies authorized interrogation techniques.

(U) CURRENT ASSESSMENT:

○ CJSOTF-AP have been using the new SOP for almost a year and have updated it twice to maintain currency with new policies and procedures. Recommend closure.

OPR: CENTCOM

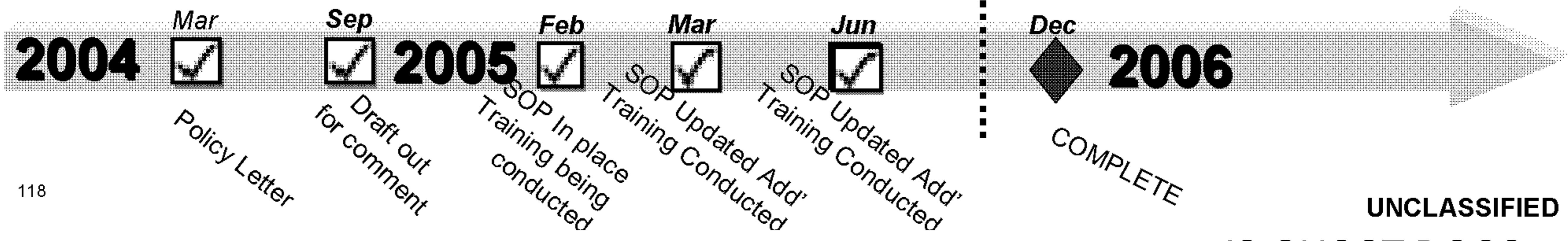
OCR: Policy Working Group

FIX/ACTION/CHANGE:

Fix: (U) CJSOTF-AP publishes SOP, to include specific designated guidance. Ensure that all personnel are trained on the SOP.

Action: (U) CJSOTF-AP published FRAGO 04-277 and Apprehension and Detention SOP on 30 Dec 04. Training is conducted prior to deployment and refresher training is conducted quarterly.

Change: (U) Ensures appropriate guidelines are in place IRT detention operations.



“FA-005 Adequacy of facilities & treatment of security detainees”

(U) RECOMMENDATION / OBSERVATION:

- MNF-I should establish policy guidance that delineates minimum standards for detention facilities, including capturing unit operations, to include: adequate, environmentally controlled holding areas in a secure, guarded facility; adequate bedding (blanket or mat) and clothing; adequate food and water (type and quantity; three meals a day); documented, systematic medical screening at every level of detention; formalized accountability process at every level.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

FIX/ACTION/CHANGE:

Fix: (U) MNF-I policy guidance that delineates minimum standards for detention facilities.

Action: (U) MNF-I Memorandum 11-1, dated Feb 05, “establishes the detention policy for the proper care, custody and control of all detainees for all organizations under the command and control of MNF-I.” MTTs conduct training on the handling of detainees, capturing procedures and the treatment and security requirements.

Change: (U) Reduces the potential for allegations of detainee abuse.

OPR: CENTCOM

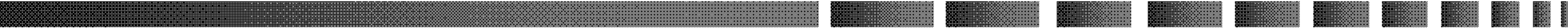
OCR: Policy Working Group

2004

2005

Dec

Policy Guidance
Established.



VADM Church Gaps and Seams

GS-001 Law of War Treaties

(U) RECOMMENDATION/OBSERVATION

- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:

- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC, the Justice Department, and the White House Counsel before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance. This is not the same as a policy gap or requiring harmonization.
- NSC has developed PCC on "public diplomacy" to address gaps in understanding about applicability of LOAC to GWOT.
- Recommend closure.

OPR: USD (P)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Review all current policies and regulations w/ regard to allies

Action: ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

Change: Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.

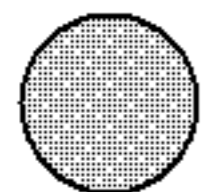
GS-005 Service/COCOM Responsibility under Goldwater-Nichols

(U) RECOMMENDATION/OBSERVATION

- Review COCOM responsibility regarding detention operations to include investigation and prosecution of alleged abuses

(U) CURRENT ASSESSMENT:

- In response to SF 1005, proposed Accountability Study Group has met and prepared its report. Has been briefed to CJCS. Will brief to SD shortly.



OPR: JS-LC & OSD GC

OCR: CENTCOM & SOUTHCOM

(U) FIX/ACTION/CHANGE:

- **Accountability Study Group prepared its report**
- **Briefed CJCS**
- **Waiting approval by SD**

GS-010 Applying Previous Lessons Learned

(U) RECOMMENDATION/OBSERVATION:

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

(U) CURRENT ASSESSMENT:

- USJFCOM Joint Center for Operational Analysis reviewed available DOD lessons learned data and Detention Operations lessons learned from previous conflicts.

OPR: JFCOM

OCR: J5; J7; CENTCOM; EUCOM; Services

(U) FIX/ACTION/CHANGE:

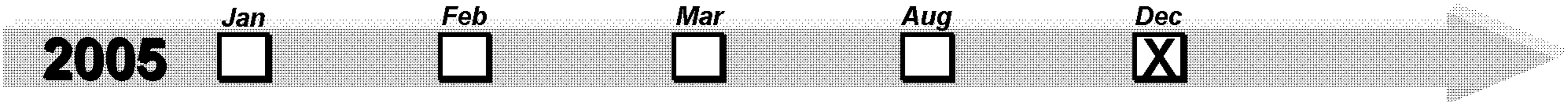
Fix: Conduct review of DOD lessons learned data from previous conflicts.

Action: Conducted review as far back as WWII. Review used by Commander JTF-160 as baseline reference for certain operational areas. Subsequent observations have been made.

Reports available on-line as

GTMO Report (www.jfcom.smil.mil/jcoa-II)
 Migrant Camp Ops (www.jfcom.smil.mil/jcoa-II)
 SOUTHCOM GTMO AARs
 (scshqwb1.hq.southcom.smil.mil/cmd/default2.htm)

Change: Empower detainee ops by leveraging the appropriate lessons from previous operations.



Request Info from Services

GS-011 Congress Questions on “Ghost Detainees”

(U) RECOMMENDATION/OBSERVATION

- Congress question: “What is a *Ghost Detainee* and how many have there been?”

(U) CURRENT ASSESSMENT:

- Fully briefed. Reviewed. Policy issued.
- ISN Policy issued – 14 days for registration, except as described in policy guidance.
- Recommend closure

OPR: USD (P)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Adequately brief Congress regarding “Ghost Detainee” issue.

Action: Classified briefings with Congress.

Change: Congress question answered.

GS-016 Develop Policy for Joint Interagency Detainee Ops

(U) RECOMMENDATION/OBSERVATION

- Common guidance is required where multiple agencies (e.g. DoD, FBI, CIA) perform joint/combined interrogations, common guidance is required.

(U) CURRENT ASSESSMENT:

- • DoDD 3115 Issued November 4, 2005.
- Recommend green.

OPR: USD (I)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Issue common guidance.

Action: Interagency coordination of interrogation policy.

Change: Common practices for all engaged in intelligence gathering.



VADM Church GTMO-Charleston Review

GC-003P Inter-agency Process on Detainee Movement

(U) RECOMMENDATION/OBSERVATION

Examine inter-agency process for Detainee Movement Orders with a goal of simplifying and streamlining the process.

(U) CURRENT ASSESSMENT:

- Interagency is operating within established policies for DMOs. Recommend closure.

OPR: OUSD(P)

OCR: OUSD (P)

(U) FIX/ACTION/CHANGE:

Fix: Simplify and streamline the Detainee movement process.

Action: Coordination with IA.

Change:

GC-007 Detainee Isolation

(U) RECOMMENDATION/OBSERVATION:

- Specific recommendation not made.
Inferred recommendation: Prepare response to anticipated accusations of using Isolation as a counter-resistance technique.

(U) CURRENT ASSESSMENT:

- Response is prepared. Detainee is segregated in max custody - *Not* isolated – and being socialized. Conditions of interrogation make further interrogations unlikely. Has not been interrogated in over a year.

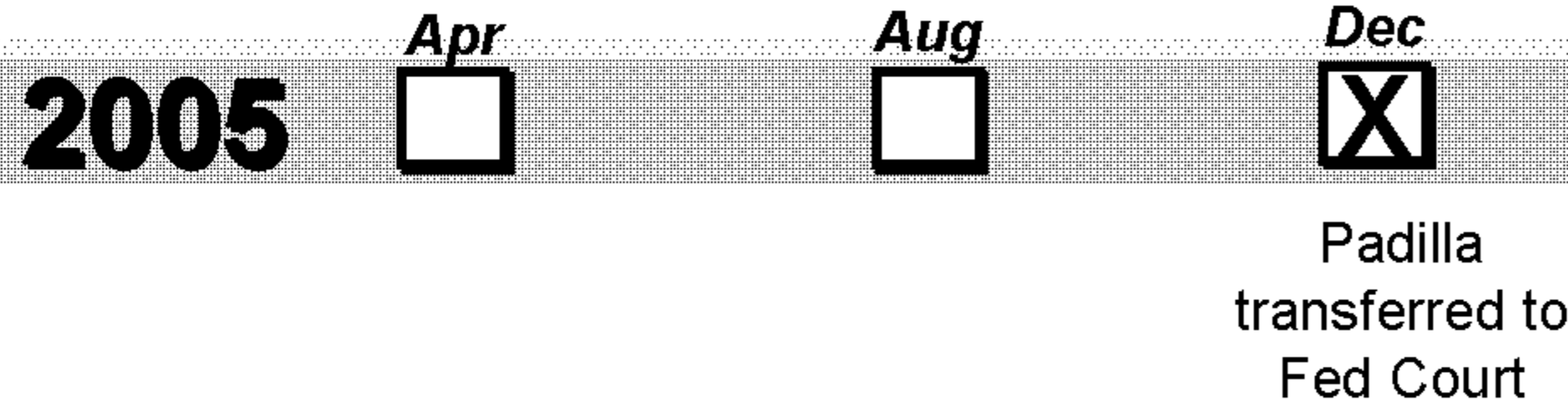
OPR: JFCOM
OCR:

(U) FIX/ACTION/CHANGE:

Fix: Determine and institute isolation policy

Action: Prepare response to anticipated accusations of using isolation as a counter-resistance technique

Change: N/A



GC-008 Lack of Muslim Chaplain

(U) RECOMMENDATION/OBSERVATION:

- Christian Chaplain could be perceived as forced proselytization
- **Specific recommendation not made.**
Inferred recommendation: Consider alternatives to Chaplains as socializing agents for detainees. [or] Assign a Muslim Chaplain.

(U) CURRENT ASSESSMENT:

No longer an issue of formal proselytization due to written detainee request for Christian Chaplain visits and additional alternative socialization by Brig staff, doctors, ICRC, and legal counsel..

OPR: JFCOM
OCR:

(U) FIX/ACTION/CHANGE:

Fix: Establish legitimate socialization agents.

Action: Consider alternatives to Chaplains as socializing agents for detainees. [or] Assign a Muslim Chaplain.

Change:

2005 *Apr* *Aug* *Dec*